

**U.S. HOUSE OF REPRESENTATIVES
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HEARING ON HUMAN RIGHTS IN VIETNAM
Monday June 20th 2005,
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HUMAN RIGHTS AND RELIGIOUS FREEDOM IN VIETNAM

Testimony by VO VAN AI

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President, Quê Me: Action for Democracy in Vietnam

Honorable Chairman,
Distinguished Members of Congress,

I would like to thank you for giving me this opportunity to testify on behalf of the Unified Buddhist Church of Vietnam at this important Hearing in Congress. The very fact that this Hearing takes place today, just as Vietnamese Prime Minister Phan Van Khai makes his first visit to the United States, is a great tribute to American democracy. At the same time, the voice of the rulers and those of the victims can be heard by your government and people. This could not happen in most countries around the globe – and most certainly not in Vietnam.

In Vietnam, no opposition views are tolerated, as I have learned through my own harsh experience. Arrested and tortured at the age of 13 for engaging in the resistance movement for independence from colonialism, I was driven into exile by successive political regimes. Like so many Vietnamese, I have paid a heavy price for my democratic ideals. It is therefore a great privilege to speak before Congress for all those whose voice is stifled in Vietnam.

Today, relations between the United States and Vietnam are at a crucial point. Premier Phan Van Khai comes to seek improved trade and security relations, and to achieve this, he must remove all obstacles obstructing this path. One paramount obstacle is religious freedom, notably Vietnam's designation by the State Department in September 2004 as a "country of particular concern". Vietnam is desperate to be removed from the black-list of the world's worst religious freedom violators, and has made several gestures and promises of reform. On the basis of these promises, on May 5th 2005, the State Department signed an agreement with Vietnam – the first agreement ever signed with a CPC country since the adoption of the 1998 International Religious Freedom Act – pledging to refrain from punitive actions if Vietnam fulfils its commitment to improve religious rights.

The State Department believed in Vietnam's good will. But Vietnam is a past master in the art of false pledges – indeed, Phan Van Khai himself is a symbol of the broken promises of Hanoi's regime. He is the man who received dissident Buddhist Patriarch Thich Huyen Quang for talks in Hanoi in April 2003, raising great hopes of dialogue and tolerance. He is also the man who, just months later, launched a most brutal clamp-down on the UBCV, arresting Thich Huyen Quang, Thich Quang Do and nine other Buddhist leaders in October 2003.

It was in that cynical spirit that, at the same time Hanoi's leaders signed this agreement with the United States, they cynically stepped up repression against independent religions, notably against Vietnam's largest religious community, the Buddhists, and their traditional, independent organization, the Unified Buddhist Church of Vietnam (UBCV).

These acts of religious repression – perpetrated on a daily basis by political and religious cadres of the Vietnamese Communist Party (VCP) – demonstrate that, just as Vietnam is opening its economy to a *“free market with socialist orientations”*, it is similarly aiming to create *“religions with socialist orientations”* under strict VCP control. Indeed, as the Political Report of the VPC's Seventh Plenum in January 2003 clearly stated, the communist party's objective is not to improve religious freedom but to *“increase state management of religious affairs”* in Vietnam.

A brief review of recent events reveals the ongoing persecution against the Unified Buddhist Church and other non-recognised in Vietnam today:

- In late May 2005, Security Police entered **Nguyen Thieu Monastery** in Binh Dinh, where UBCV Patriarch **Thich Huyen Quang** is currently under detention, and summoned several young monks for interrogation. The monks were separated and taken to different Police stations, where they were treated aggressively and subjected to intense psychological pressure. Security Police accused the monks of circulating Messages issued by the UBCV Patriarch Thich Huyen Quang and his Deputy Venerable Thich Quang Do on the Vesak, anniversary of Buddha's Birth, and greeting cards with the name of the banned UBCV. They threatened to have the monks expelled from Nguyen Thieu Monastery if they did not immediately cease all contacts with the UBCV and join the State-sponsored Vietnam Buddhist Church.

These threats follow the expulsion last year of several monks from Nguyen Thieu Monastery because of their support for UBCV Patriarch Thich Huyen Quang during the government crackdown in October 2003. The monks were placed on a “black-list” of citizens forbidden to leave the country, and were unable to attend studies overseas, even though they had valid visas.

- During these interrogations, Security Police made death threats against the UBCV leadership. The monks of Nguyen Thieu monastery were warned that if Patriarch **Thich Huyen Quang** and **Thich Quang Do** continued to oppose the government and Communist Party, they would be executed.

- During the traditional celebrations of the Vesak (Buddha's Birthday) in April and May 2005, UBCV Buddhists all over the country were harassed and prevented from holding celebrations.

Venerable **Thich Duc Chon**, from Gia Lam Pagoda in Saigon was summoned by Security Police and given strict warnings not to circulate or read out to Buddhist followers the Vesak Messages by UBCV Patriarch Thich Huyen Quang and Venerable Thich Quang Do. In Danang, Venerable **Thich Thanh Quang**, Superior monk of the Giac Minh Pagoda and other members of the UBCV's Quang Nam-Danang Provincial Board were interrogated and harassed by Security Police, who forced them to sign papers renouncing their adherence to the UBCV and ordered Thich Thanh Quang not to read out the Vesak Messages by the UBCV leaders. Thich Thanh Quang refused to comply with these orders, and Giac Minh Pagoda has been under close Police surveillance since then. UBCV Pagodas in Hue, Quang Tri, Khanh Hoa and many other provinces were subjected to a similar ban. This unlawful prohibition of circulation of the Vesak Message not only violates religious freedom, but also contravenes a centuries-old tradition in Vietnam.

- Throughout the year, Security Police and local party officials systematically disrupted UBCV gatherings and intimidated Buddhist followers. On May 23rd 2005 in Tinh Dong village, Quang Nam Province, **Nguyen Su Nen**, a leader of the UBCV Buddhist Youth Movement, was beaten and his wife harassed because he refused to let the funeral of his father, a respected Buddhist elder, be presided by monks from the State-sponsored Vietnam Buddhist Church (VBC). When he invited a UBCV senior monk to lead the prayers, local officials seized the microphone and shouted: *"The UBCV does not exist. There is only the Vietnam Buddhist Church !"*. Local Party officials completely disrupted the funeral, harassed participants and eventually forced them to disperse, warning that any "outsiders" who spent the night in the village risked immediate arrest. The following day, the local authorities came to interrogate Nguyen Su Nen, warning him that the UBCV is an *"illegal organisation"*.

- After more than 25 years under detention, UBCV Patriarch **Thich Huyen Quang** and his Deputy **Thich Quang Do** are still prisoners in the Nguyen Thieu Monastery (Binh Dinh) and the Thanh Minh Zen Monastery (Saigon) without any justification or charge. Both monks are in very poor health as a result of prolonged isolation and harsh detention conditions. In October 2003, they were arrested in a brutal government clamp-down on the UBCV and placed under "administrative detention". Although no formal charges were laid, Foreign Ministry spokesman Le Dung declared that they were under *"investigation for possessing State secrets"*. Thich Huyen Quang and Thich Quang Do both wrote to the government protesting their arbitrary detention and calling for the right to a fair trial, but they have received no reply.

- In February this year, **Thich Quang Do** launched a "New Year's Letter" with a vibrant appeal to Vietnamese intellectuals from all religious and political currents to rally together in a common effort for pluralism and democracy in Vietnam. He stressed that only a peaceful process of democratisation and a multi-party system could help bring Vietnam out of poverty and repression. Thich Quang Do's appeal received overwhelming support from prominent dissidents inside Vietnam such as Communist Party veteran Hoang Minh Chinh, writer Hoang Tien, Roman Catholic priests Father Pham Van Loi, Chan Tin, and Nguyen Huu Giai, Hoa Hao Buddhists, and writers,

artists and intellectuals from all over Vietnam and the Vietnamese Diaspora (*I submit the full text of this letter for entry in the Hearing record*). Whilst many dissidents have launched democracy appeals in the past, this was the first time in Vietnam that such a proposal has won such a wide and enthusiastic consensus of support.

Hanoi responded by stepping up controls on Thich Quang Do. Security Police banned all visits to the UBCV Deputy, and set up jamming device outside the **Thanh Minh Zen Monastery**, which blocks the use of cell phones. Requests by international media correspondents (such as the German press agency DPA) to interview Thich Quang Do during the 30th Anniversary of the end of the Vietnam War in April 2005 were refused by the authorities on the grounds that Thich Quang Do was “*under investigation for possessing state secrets*”. This charge contradicts repeated statements by Vietnam that “*Thich Quang Do and Thich Huyen Quang are completely free*”.

- On **30th March 2005**, Thich Quang Do recorded a video message for the United Nations Human Rights Commission calling for international support for a peaceful process of democratisation in Vietnam. Security Police seized the tape and arrested UBCV monk **Thich Vien Phuong** who filmed the Message. Thanks to courageous Buddhist activists, an audio tape was finally smuggled out and made public at the UN Human Rights Commission in Geneva.

- To avoid US sanctions under CPC, Vietnam is enacting subtle, underhand strategies to “settle the UBCV problem”. Having failed to eliminate it by force, Hanoi is attempting to “neutralize” the UBCV by creating divisions within its leadership, and undermining the movement from within. Over the past months, Communist Party officials have discretely visited senior UBCV monks, **promising that Vietnam will re-establish the UBCV’s legal status on condition that Thich Quang Do and Patriarch Thich Huyen Quang are excluded from the process.** By eliminating these two prominent dissidents from its leadership, Hanoi plans to transform the UBCV into a “State-sponsored Buddhist Church No 2”, emptied of its independent spirit and of its commitment to democracy and human rights. The UBCV would thus retrieve its legitimate status, but be reduced to a kind of “*Buddhism with socialist orientations*”, a political tool of the Communist Party of Vietnam.

- Vietnam claims credit for releasing religious prisoners, but many suffer severe restrictions on their freedom after their release. UBCV monk **Thich Thien Minh**, released in a government amnesty on 2nd February 2005 after 26 years in re-education camp, has been subjected to constant harassments and police surveillance. “*I have exchanged my small prison for a bigger one,*” he said. In March, Thich Thien Minh received death threats from Security Police demanding he end all contact with human rights organizations, stop sending petitions overseas (including to the US Commission on International Religious Freedom). They also threatened to murder members of his family. Security agents have jammed his mobile phone and confiscated all his correspondence. Thich Thien Minh told my committee that many religious prisoners are still detained in **Z30 A Camp in Xuan Loc, Dong Nai Province**, where he spent many years of his life. Many of these

prisoners are old and sick - one has gone mad from ill-treatment, others are over 80 years old, yet they are still forced to perform hard labour and deprived of medical care.

The case of **Thich Thien Minh** reveals a new aspect of Vietnam's sophisticated methods of religious repression. Just a few days ago, on **June 17th**, he received a visit from a senior Security agent, Lieutenant-colonel Dai, who told him he must either leave the Buddhist orders at once, or beginning his training all over again (needless to say, in the State-sponsored VBC, not the UBCV). Lieutenant-colonel Dai, who had been sent by the Communist Party to study at an Advanced School of Buddhism for three years – this is unheard of for a Communist cadre in Vietnam – said that Thich Thien Minh was no longer qualified to be a monk, because he had spent 26 years in a labour camp, and had not followed the summer retreats and meditation periods obligatory to a monk's vocation. Thich Thien Minh rejected these arguments, saying he had remained celibate in prison for 26 years and meditated whilst performing hard labour. Thien Thien Minh is currently obliged to live at his brother's home in Bac Lieu Province (southern Vietnam), since the authorities confiscated his Pagoda on his arrest in 1979. He has written two letters of complaint to the Vietnamese authorities asking them to return his pagoda, but he has never received any reply. He has not been issued with a residence permit since his release, and has to apply for a temporary permit every month. In Vietnam, the residence permit is an obligatory aspect of citizenship rights. It must be produced on every occasion (travel, studies, work, etc) and those without a permit are considered as "illegal citizens" and liable to arrest at any moment.

- Religious repression in Vietnam extends not only to Buddhists, but also to Protestants, Mennonites, Catholics, Hoa Hao Buddhists, Cao Dai and Khmer Krom Buddhists etc. Hmong Christians have been murdered. Christian Montagnards returning to Vietnam after escaping persecution in Cambodia face ill-treatment and arrest, despite Hanoi's pledge to protect their security and prohibit all retribution. In violation of the "*Memorandum of Understanding*" signed with the UN High Commissioner for Refugees, Vietnam refuses internal observers access to the Central Highlands to monitor the situation of Montagnard returnees.
- Not only religious freedom, but also basic human rights such as freedom of speech, opinion and the press are also suppressed, despite Vietnam's obligations as a state party to the UN International Covenant on Civil and Political Rights. Vietnam's 600+ newspapers are all state-controlled, and all independent expression is denied. Vietnam claims to uphold press freedom, but when it hosted the Asia-Europe (ASEM) Summit Meeting in Hanoi in October 2004, it banned the domestic and foreign press from attending the ASEM People's Forum, including a workshop on "*Democracy and the Media*". In Vietnam today, there are no free trade unions, no independent NGOs, no civil society movements, no independent judiciary. Citizens who suffer abuses have no way to seek remedy, and live in a climate of fear.
- Violations of human rights and religious freedom are not isolated phenomena, nor the result of zeal by local officials. They stem from a deliberate policy of repression orchestrated at the highest echelons of the Vietnamese Communist Party (VCP) and the state. Increasingly, on the pretext of building the rule of law, the Vietnamese government is adopting extensive legislation that codifies

these repressive and arbitrary practices in order to protect the ruling VCP minority and exclude all divergent political or religious views.

Indeed, alongside its use of repression, Vietnam is **using the law** to stifle criticism and dissent. With funding from international donors, including the United States, Vietnam has embarked on a 10-year **Legal System Development Strategy**, which it is using to impose the **rule by law** – not the **rule of law** - and reinforce political control. Under Vietnam's "national security" laws, citizens may be detained under "administrative detention" without trial (Decree 31/CP); cyber-dissidents face the death penalty for "espionage" simply for circulating peaceful opposition views (Article 80 of the Vietnamese Criminal Code); peaceful protests outside public buildings may be punished by arrest (Decree 38/ND-CP, March 2005).

- Religious freedom is restricted by a whole arsenal of legislation. Most recent is the "*Ordinance on Beliefs and Religions*" (21/2004/PL-UBTVQH11), which came into effect on 15th November 2004. Vietnam claims that the Ordinance guarantees religious freedom, and is using it as a pretext to demand Vietnam's removal from the list of CPCs. In fact, this Ordinance is totally incompatible with international human rights standards, and it places tighter controls on religious freedom in Vietnam. Under the Ordinance, religious education must be subordinated to the "patriotic" dictates of the Communist Party; worship may only be carried out in approved religious establishments; it is forbidden to "abuse" religious freedom to contravene prevailing Communist Party policies (article 8§2). Religious activities deemed to "*violate national security... negatively affect the unity of the people or the nation's fine cultural traditions*" are banned (article 15).

- The "*Instructions for Implementing the New Ordinance on Belief and Religions*" (22/2005/ND-CP, 1st March 2005) reinforce these restrictions, strictly forbidding "*abuse of the right to freedom of religious belief and religion to undermine peace, independence and national unity... to disseminate information against the State's prevailing laws and policies; to sow division among the people, ethnic groups, and religions; to cause public disorder; to do harm to other people's lives, health, dignity, honor*" (Article 2).

- Particularly disturbing is the Ordinance's definition of "religion" ("*an organization of people who follow rites and tenets that do not go against the nation's fine customs and traditions... and national interests*"). Under these provisions, religions can only exist if they comply with state interests, so it is the communist State who decides which religions are "legitimate" and which should be banned. This is clearly the Communist Party's interpretation, as we can see from an editorial on the official radio "*Voice of Vietnam*" regarding Protestantism: "*Religions with legitimacy will be accepted by society and protected by law. Whereas organizations that claim to be religions but in fact lead people into darkness... should be called heresies... According to the provisions of the Ordinance on Beliefs and Religions, religions such as Degar Protestantism should not be considered as legitimate and should be outlawed*". The "*Vang Chu*" religion followed by ethnic communities in the North and Degar Protestantism in the Central Highlands are nothing but heretical beliefs" which "*should be considered evil and unlawful, and be eliminated*" (Voice of Vietnam, 10 August 2004).

- Vietnam new religious legislation aims to give a “veneer of respectability” to its religious policies. But behind this facade is a decades-old policy of repression, systematically planned and methodically implemented at all levels in Vietnam, which aims to crush all independent movements and place religions under the Communist Party’s control.
- The most conclusive evidence of Vietnam’s repressive religious policies is 602-page **Secret Communist Party document**, of which my Committee has obtained a copy that reveals a concerted and on-going campaign to eliminate all independent religious movements, in particular the Unified Buddhist Church of Vietnam.

This secret document, entitled *“On Religions and the Struggle against Activities Exploiting Religion – Internal Document for Study and Circulation in the People’s Security Services”* is published by the Institute of Public Security Science in Hanoi with a print-run of **1 million copies** (all numbered to trace back eventual “leaks”). A veritable instruction manual on religious persecution, it is distributed to *“all top-level Security cadres, ranking officers, police, research cadres and instructors directly or indirectly participating in the struggle against religions”*.

The document gives detailed directives on the policies and plans of the Communist Party and the Ministry of Public Security to eradicate *“hostile forces and reactionaries who exploit religion”*- i.e. all “non-recognized religions” that refuse Communist Party control. It orders Security Police and Party agents to ruthlessly combat all those who *“seek to exploit religion as a tool of their policies of “peaceful evolution” in order to oppose our socialist regime”*.

The Unified Buddhist Church of Vietnam (UBCV) is identified as a crucial actor in this plot and is accused of *“advocating human rights, political pluralism and the multi-party system in order to create social instability and rebellion”*. The document gives clear instructions to Party cadres and Security agents at every level to *“oppose, repress, isolate and divide”* UBCV leaders and members, to promote only State-sponsored *“Buddhism with socialist orientations”*, and to make concerted efforts to *“wipe out the [UBCV] once and for all.”*

The document also gives instructions to train *“special agents”* for infiltration into the UBCV, not only to report on UBCV activities, but also to create schisms and dissent within its ranks. The *“special agents”* would not only carry out intelligence activities within the UBCV in Vietnam, but would extend these activities to the Buddhist community overseas. *“We urge the Politburo to coordinate activities between the VCP’s Departments of propaganda and mobilization, interior affairs, foreign affairs, religious affairs and overseas Vietnamese to work together on this policy”*. By infiltrating and creating divisions within the Buddhist community overseas, the “special agents” would seek to weaken the international pro-UBCV lobby, thus enabling the Communist Party to *“take pre-emptive action to prevent Western countries from “making human rights investigations”* or seeking to *“visit dissident religious personalities”* in Vietnam.

- Vietnam is actively putting these directives into practice: several thousand *“special agents”* disguised as monks have been infiltrated into UBCV pagodas in Vietnam where they keep permanent surveillance on all the activities of the monks and followers, and several “so-called Buddhist” web-sites operated by Hanoi’s special agents publish slanderous articles against

prominent UBCV leaders and supporters in the aim of stirring up public opinion against the UBCV and creating divisions between Buddhists at home and abroad.

There can be no religious freedom until these policies have been repealed, and until the VCP ceases to impose a political and ideological monopoly on the people of Vietnam. Indeed, as Venerable Thich Quang Do said in his “New Year’s Letter”, the basic prerequisites for religious freedom are pluralism and democracy, for *“the UBCV and other non-recognized religions will never be free from religious repression until a democratic process is under way”*.

Religious freedom is the key to peace and stability, especially in Asia, with its diversity of great religions such as Buddhism, Hinduism, Confucianism, Taoism, Islam... It is especially important in Vietnam, where religious forces, especially Buddhism, have always played an active in defending the people’s freedoms and rights. Buddhism is a religion of peace, tolerance and compassion, but it has vast human resources and is strongly committed to its people’s welfare. By repressing Buddhism and all other “non-recognized” religions, Hanoi’s leaders are crushing Vietnam’s sole civil society movements and stifling the people’s development for generations to come.

Hanoi’s promises of religious freedom are meaningless if Vietnam is not prepared to take one basic step – the **re-establishment of the UBCV’s legitimate status. This is a fundamental prerequisite, and it is a test of Vietnam’s good will.** The UBCV must have full religious freedom, independent of the Communist Party and its “mass organizations” body, the Vietnam Fatherland Front. And needless to say, it must have the right to choose its own leaders, including Thich Huyen Quang and Thich Quang Do without any interference by the state.

Conclusion :

Vietnam has opened its markets with the policy of “doi moi” - economic liberalization under authoritarian control – but it remains one of the most politically closed societies in the world. It is anxious to integrate the international community, but it is trying to do this whilst maintaining its people under totalitarian control.

Prime Minister Phan Van Khai’s visit provides a crucial opportunity to insist that improved relations with the United States depend on concrete improvements in religious freedom and human rights. I urge Members of Congress to make public statements during the Prime Ministers’ visit, in order to impress upon Vietnam at every possible opportunity that the respect of human rights and religious freedoms is the foundation of US-Vietnam bilateral relations.

- I call specifically on the administration to maintain Vietnam on the list of “countries of particular concern” until tangible, measurable progress has been made, specifically the release of UBCV Patriarch Thich Huyen Quang and his Deputy Thich Quang Do, and the re-establishment of the UBCV’s legal status;
- monitoring mechanisms should be set up to assess implementation of the May 5th Agreement with the State Department to ensure that Vietnam fulfills its promises and resolves other serious concerns. The agreement be rescinded if these pledges are not effectively fulfilled;

- Normal Trade Relations' status with Vietnam should be renewed **annually** under the terms of the Jackson-Vanick Amendment and not granted on a permanent basis. This gives an opportunity for Members of Congress to seriously review Vietnam's human rights record keep Vietnam constantly under pressure to respect human rights.
- promoting human rights and democracy in Vietnam should be inscribed in legislation regarding the US-Vietnam trade relationship. In the absence of a "human rights clause" in the Bilateral Trade Agreement, legislation should be passed that links human rights and democracy provisions to bilateral relations. I strongly support the provisions in the State Department's budget authored by Congressman Chris Smith to support democracy promotion in Vietnam;
- the United States should take a stronger public stand on human rights and religious freedom in Vietnam in public forums such as the United Nations. Despite the flagrant violations of key UN human rights treaties such as the International Covenant on Civil and Political Rights to which it is a state party, Vietnam routinely escapes public condemnation.

I also call on President Bush to propose **specific benchmarks** for improvement in human rights and religious freedom in his talks with Prime Minister Phan Van Khai tomorrow and call for a true process of democratization in Vietnam. Specifically, he should urge Vietnam to :

- release all those in prison or under house arrest for their nonviolent religious and political convictions, including UBCV Patriarch Thich Huyen Quang, the Very Venerable Thich Quang Do and the nine UBCV leaders, cyber-dissidents Pham Hong Son, Nguyen Khac Toan, Nguyen Vu Binh, Pastor Nguyen Hong Quang and all Montagnard Christians detained their peaceful activities;
- re-establish the legitimate status of the banned Unified Buddhist Church of Vietnam – as a first and foremost step towards religious freedom – as well as that of other non-recognized religions. Full freedom of religious activity must be guaranteed so they can contribute to the social and spiritual welfare of the Vietnamese people;
- authorize the publication of private newspapers and media as a podium for democratic debate ; authorize the creation of independent associations such as free trade unions and non-governmental organizations to foster the emergence of a vibrant and dynamic civil society in Vietnam;
- foster development of the rule law by rescinding all legislation that restricts the exercise of human rights and religious freedom, including Decree 31/CP on "administrative detention", Decree 38/2005/ND-CP on banning demonstrations; bring "national security" legislation into line with the Johannesburg principles and the UN International Covenant on Civil and Political Rights as recommended by the UN Human Rights Committee in July 2002 ; ensure that all laws adopted under the **Legal System Development Strategy** comply with international human rights standards ;

- abrogate Article 4 of the Vietnamese Constitution on the mastery of the Communist Party so that all religious and political families may equally participate in reconstructing a democratic and prosperous Vietnam;
- allow a visit by the UN Representative on Human Rights Defenders and the UN Rapporteur on Freedom of Expression, as well as follow-up visits by the UN Special Rapporteur on Religious Freedom and the UN Working Group on Arbitrary Detention to monitor the situation of human rights defenders and prisoners of conscience in Vietnam.

Vo Van Ai,
Washington D.C., 20th June 2005